President.—The motion before the House is that the Cochin Abkari Regulation Amendment Bill be read in Council.

Motion put and carried.

Secretary to the Council.—The Title of the Bill is "a Bill to Amend the Cochin Abkari Regulation."

Mr. T. S. Narayana Ayyar.—Now I would request the President to suspend the Standing Order 32.

President.—Standing Order suspended.

Leave granted.

Mr. T. S. Narayana Ayyar.—I beg to move that the Bill be taken into consideration.

Mr. T. K. Krishna Menon.—I second it.

President.—The question before the House is that the Bill to amend the Cochin Abkari Regulation be taken into consideration.

Motion put and carried.

President.— Then the following sections may be taken as parts of the Bill.

Preamble. Whereas it is expedient to amend further the Cochin Abkari Regulation, I of 1077, it is hereby enacted as follows:—

Short Title. 1. (a) This Regulation may be called the Cochin Abkari (amendment) Regulation of 11 .

(b) It shall come into force at once.

'Commissioner' and 'Commissioner of Excise' substituted for 'Superintendent' and 'Superintendent' of Abkari Revenue. 2. The word 'Commissioner' and 'Commissioner of Excise' shall be substituted for the words 'Superintendent' and 'Superintendent of Abkari Revenue' in the following sections of the Cochin Abkari Regulation (hereinafter called the said Regulation) *viz.*, 3, 4, 6, 11, 12, 13, 14, 15, 16, 20, 21, 22, 25, 26, 28, 31, 32, 40, 62 and 66 and wherever else they occur in the said Regulation and in the Rules, Notifications, licences and permits issued thereunder.

Amendment to sections 31 and 32. 3. For the word 'Inspector' in sections 31 and 32 of the said Regulation, the word 'Sub-Inspector' shall be substituted.

Amendment to section 54. 4. In section 54 of the said Regulation, for the words 'Magistrate of the District,' the word 'District Magistrate' shall be substituted.

Question put and agreed to.

Mr. T. S. Narayana Ayyar.—I move that the Bill be taken up and passed on Friday next.

Mr. T. K. Krishna Menon.—I second it.

President.—The motion before the House is that the Bill to amend the Cochin Abkari Regulation be taken up and passed on Friday next.

Motion put and agreed to.

Bill to Amend the Cochin Tenancy Regulation.

President.—The Law Member will introduce the Bill to Amend the Cochin Tenancy Regulation.

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Mr. T. S. Narayana Ayyar.—I beg to move that the Bill to amend the Cochin Tenancy Regulation, Regulation II of 1090 be read in Council.

Mr. T. K. Krishna Menon.—I second it.

Mr. T. S. Narayana Ayyar.— Several changes were desired by several people, including the Jenmies, tenants, vakils and others and certain changes were also thought desirabe by the Judges, so that the Government prepared a draft bill for your acceptance. That is the Bill before this House. I request that the Bill before you may be read in in Council.

With regard to the provisions of the Bill itself, of course, you know, there are some changes. Amendments have been many and varied, and it is left to the House to examine the changes introduced.

President.—The motion before the House is that the Cochin Tenancy Regulation Amendment Bill be read in Council.

Motion put and carried.

Secretary to the Council.—The title of the Bill is 'A Bill to amend the Cochin Tenancy Regulation.'

Mr. T. S. Narayana Ayyar.—Sir, with regard to this Bill, I beg to move that the Bill be referred to a Select Committee and in doing so I would respectfully propose the names of Members that may form the Committee;—Messrs. K. Ayyappan, K. T. Mathew, K. Mohamed Seethi, T. S. Narayana Ayyar, T. M. Krishna Menon, K. Kunjunni Nayar, C. A. Kunjunni Raja, P. Raman Menon and Thomas Manjuran.

Mr. T. K. Krishna Menon.—I second it.

Mr. P. Krishna Menon.—Sir, while I wish to thank the Government for introducing the amending Bill with the shortest delay possible, I have to make a proposal, in anticipation of certain difficulties that might crop up, if the Bill is referred to a Select Committee. It is well-known to the House that this Council has only one more sitting in Kumbham.

Members:—Two more.

Mr. P. Krishna Menon.—Following the precedent, I think there is only one more sitting in Kumbham and it is apprehended, in consideration of the importance of the subject, that the final stage of the Bill could not be reached even by that sitting. If it is not reached by that sitting, it is tantamount to saying that the labours of such a committee—is wasted, because they cannot bring the Bill to fruition by this Council. Therefore, under Standing Order 26, I beg to move that it may be postponed.

Mr. C. V. Kuriyan.—I second the motion. In seconding the motion, I may state that the Bill was published only on Vrischigam 7th and there was no Malayalam translation. The

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general public had no inkling as to the character and scope of the Bill as presented before the Council and they were not in the know of things. Now we have got a very short time from 7th Vrischigam and the public had not taken any interest in this matter. Since this Bill touches the interests of the whole people of the State it will be better to postpone the consideration of the bill at present, so that the general public may kindly take an interest in this Bill. I request the House that, in the circumstances, it would be better to postpone the consideration of the Bill, so that the public also may be partaking in this.

Mr. K. P. Kannan Nayar.—I am sorry I have to oppose this motion for adjournment for one important reason and that is the issue of a proclamation already staying suits with reference to the redemption of panayams which take in the incidents of kanom. Unfortunately the language of that proclamation does not seem to be very happy, because, as it stands, it may take in all panayams which may have the incidents of kanoms, whatever may be the period for which the panayam has been in existence. I think, gentlemen, you all know that so far as the Tenancy Regulation, as it stands at present, is concerned, the irredeemability applies only to kanom tenures of more than 30 years' standing, at the time when the Tenancy Regulation came into existence. Now, so far as this proclamation stands, it simply says, 'Whereas Our Government have under contemplation the question of amending the Cochin Tenancy Regulation, Regulation II of 1090 and whereas it is apprehended that suits for redemption of panayams which have the main incidents of kanom may be brought against such panayamdars, We are pleased to command that suits for redemption of panayam-holders, which have the main incidents of kanom, shall not be proceeded with until the contemplated bill is passed into law or abandoned as the case may be.....'. In fact many suits have been instituted and I understand that many have been stayed also. Now if the proclamation had specifically stated that only such panayams which are 30 years old will be affected, that would have been correct. But the present proclamation has mentioned panayams indiscriminately, whatever may be the period of the panayams, provided it has the incidents of kanom. All suits will have to be stayed under the proclamation as it stands. My information is that such suits are stayed. Now to postpone the consideration of this Bill will be unwise. Suits will have to be unnecessarily delayed. So far as the Bill is concerned, I have gone through the Bill very carefully and, as mentioned by the Government Advocate, there are not very fundamental changes effected. In fact the public mind has been agitating for

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a change, both Jenmi as also the tenant, so far as this law is concerned. With reference to the practical working of the Regulation for the last 15 years, most of us have come to know where the difficulty is and how it is to be removed and the courts and Bar Associations have remarked about the working of this Regulation and have given their best consideration. They made certain suggestions also. And it is in view of these suggestions that these amendments are now proposed. As a matter of fact, the Select Committee now proposed, if they have the mind to work, can have the report submitted; I think it will certainly be possible for them to do so and, so far as it appears to me, there are not very many points on which evidence will have to be taken by examination of witnesses. When I went through the whole bill I found—of course there may be differences here as to whether the value should be three-fourths or half and whether the rate of interest should be 9 per cent or 12 per cent—in fact it does not appear to me, that there is any point on which you will have to go round the whole country and take evidence by examining witnesses. If they sit through, I think, it will be possible for them to submit the report at least before the next sitting, so that, seeing that already suits have been stayed and people have been agitating for a change, I do not think it will be necessary to postpone the consideration of this Bill.

Mr. A. B. Salem.—Sir, I also rise to oppose the motion for adjournment. This is a matter between the tenant and the Jenmi and this has been agitating the minds of the people for a long time and we had a Bill introduced by the Hon'ble Member for Jenmies inside this Council during the last Council. But, owing to the Diwan Peishkar taking leave and the vacillation of the Government at the time, nothing was done. That it is a pressing necessity to have this amendment is a well-known fact. The courts have found certain sections to be unworkable, and have pronounced that long long ago. Nevertheless, this important piece of reform has not materialised. So, the idea to postpone it, because we have not got enough time to get through the Bill, is I, think, based on no foundation. Under Standing Order 3 of the Council the time and place of meeting shall be fixed by the Diwan and the Secretary shall notify it in the Gazette. So that, there is no warrant for the statement that we have only one more sitting to come. If the Diwan thinks it necessary to summon more meetings he can do so and he will do so according to the necessity. Upon that one ground that we have got only one sitting, which is no ground at all, upon the apprehension that there will be one more session only to consider matters necessary for the country, I do not think the consideration of the Bill

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should be postponed. If that is the only ground on which this objection is based, then I say that is not a tenable ground. I would also suggest, that this being a very important matter, I think that the Committee ought to be a large one which ought to represent all sorts of opinion and all interests and taluks and towns. We had a very large committee last time. Sometimes the whole House goes into Committees and gives suggestions. With these remarks I support the motion to go on with the Bill and oppose the motion for adjournment.

Mr. C. J. Mathew.—I rise to support the motion for adjournment. This is a matter of considerable importance to every taluk, to every citizen in Cochin. It is not a measure to be rushed through in a month or two. I do not agree with the previous speakers in saying that there is no necessity to take evidence in this matter.

Mr. A. B. Salem.—I never said so.

Mr. C. J. Mathew.—One gentleman said. Again the Committee has to go through this measure with caution. They have to take evidence by going to all the important centres of the various taluks. If the Committee really wish to do something substantial in this matter, which has been agitating the public mind for a very long time, it is absolutely necessary they should investigate into the different tenures that prevail in the different taluks. Otherwise this would not be an all-compromising measure as it ought to be. Therefore Sir, it is absolutely necessary that the Committee should be given sufficient opportunity and sufficient time to go into the question in detail and if, as has been apprehended by the mover, the Council has only one more session, the time before it is hardly sufficient. I am afraid it could not come to any definite and reasonable end if things are hurried through. Now, one of the objections which the Hon'ble Member for Vellarappalli raised is that the Proclamation is not happily worded. If that be so, the right course is to set right the language of the proclamation. Everything may be done that is necessary to correct its language. Because the proclamation, as it is, is not happily worded, it is no reason why we should rush through this matter in a haphazard way.

Mr. T. M. Krishna Menon.—There is one other difficulty also to be pointed out. In some land acquisition cases we have to acquire lands held on panayam tenure. It is not possible now to make an apportionment of the amount between the Jenmi and the tenant.

Mr. C. A. Kunjunni Raja.—I beg to oppose the motion for adjournment. The question of amending the tenancy law

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was engaging the attention of the Government for a long period from the year 1095 onwards, on representations from the land-holders and the tenants as well as on reports by the Chief Court and the Bar Associations of Ernakulam and Trichur etc. So far as this tenancy Bill is concerned, this Council must be aware that the first measure to amend the Tenancy Regulation, II of 1090 was introduced by me in the year 1102 at the instance of the Government. The Government wanted to avoid direct action which was felt to be very unpopular. The land-holders being the people who are comparatively put to greater difficulties on account of the flaws in the legislation, I undertook the responsibility of piloting the Bill at the cost of great unpopularity, and my Bill, with the support of the Government, went into a Select Committee in the first Council. Unfortunately the then Diwan Peishkar, who was the Chairman of the Committee, went on leave and the Select Committee had to suspend work. In the two meetings of the Legislative Session of 1103, the work cannot be finished and it was put off for the Second Council. In the Second Council also, in the Budget Session of 1105, I moved for the appointment of a fresh Select Committee on the non-official day of that session and a motion to pass over my motion was passed. When I gave notice of a fresh motion the Government came to the rescue and the Diwan-President stated that the Government would undertake legislation. By this time several bills on tenancy laws, especially the one from the Hon'ble Member for Trippunittura, had also come before the Council. On the assurance of the Government, the Member for Trippunittura and myself withdrew our Bills and the Government issued proceedings undertaking immediate legislation. It is as a result of that undertaking that this Bill is before the Council. Both the land-holders and the tenants are very keen that there must be some amending measure. If what is reported to me is ture, it was on a representaiton by the Hon'ble Member for Trippunittura to the Diwan that the present proclamation, staying suits on panayams akin to kanoms, was issued by the Government. The Government Advocate was also asked to introduce the amending Bill even in this very session, because you thought it was not fair that the matter should be delayed any longer, this being a very serious matter pending long before the Government. Now to come forward and say that the Bill should go to the next Council is an attitude which I cannot understand. No doubt this would be a convenient plank for the next election. So far as the land-holders are concerned this was a plank in the last election and it is going to be a plank also for the next election and it is also certain that the land-holders

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are not likely to be heard in this Council and much less can they influence any decision by a majority in this Council. In the letter which I wrote to the Diwan requesting for the appointment of an expert Member I have made the position clear. At least to second my amendments, an expert Member is deemed necessary and you were pleased to sanction my request and I am thankful to you that you have nominated Mr. K. Kunjunni Nayar as an expert Member. Now, if this motion for adjournment is to be allowed, what is going to happen is this: the Government will make a motion for the appointment of a Select Committee only in Vrischigam 1107. Then the Committee will not finish its labours for the Legislative Session of 1107 and the Bill will come for consideration in Vrischigam 1108. After that the bill has to go through the various formalities and the bill has to go to the Government of India before it receives the assent of His Highness and it will reach the final stage only by the end of 1108. We have to wait for very nearly three years more and the result will be that very many land-holders will be adversely affected by the proclamation. They will not be able to get any rent from the tenants and they have simply to pay taxes out of their own pockets. The land-holders have to bear all burden and the tenants are only to enjoy. This is not a very enviable position. There must be some finality in the near future for these troubles.

President.—The motion before the House is that the further consideration of the Bill to amend the Cochin Tenancy Regulation be adjourned.

Motion put and negatived.

President.—The motion before the House is that the motion for the Select Committe be passed.

Motion put and carried.

President.—I nominate the Law Member as Chairman of the Committee.

Mr. K. P. Kannan Nayar.—The House may also decide within which time the Select Committee is to submit its report.

Mr. Thomas Manjuran.—I would suggest that it may be three months, as the whole question has to be considered.

Mr. T. S. Narayana Ayyar.—I would suggest that it may be two months. We will try to finish the work as soon as possible so that it may be brought in the last meeting of this Council.

President.—Then we shall fix it at two months.

Mr. C. V. Kuriyan.—Should they confine to the amendments brought?

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President.—To the present Bill alone,

Mr. C. V. Kuriyan.—Will they go to other sections also?

Mr. Thomas Manjuran.—I don't think there is any reconstruction, Sir.

Mr. P. Krishna Menon.—It was the practice also here.

Mr. Thomas Manjuran.—As amendments we can introduce all.

Mr. M. K. Raman.—And other amendments also.

Dr. A. G. Menon.—Not the whole Tenancy Act.

Amendments to Standing Orders.

President.—The Law Member will present the Select Committee Report on the amendments to the Standing Orders of the Council and move that the amendments as reported by the Select Committee be taken into consideration.

Mr. T. S. Narayana Ayyar.—I beg to move that the amendments to the Standing Orders be read in Council. The Select Committee has also reported on that matter and I beg to place before you the Report of the Select Committee.

Mr. T. K. Krishna Menon.—I second it.

President.—The motion before the House is that the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration.

Motion put and agreed to.

President.—All the following amendments in the list may be taken to have been read in Council and passed.

Sub-division (5). Standing Order No. 2.—Change the full stop after 'Council' into a comma, and add 'and may consist of one or more sittings'.

Sub-division (12).—Change the full stop after 'progrogued' into a comma, and add 'and may consist of one or more meetings'.

Standing Order No. 3.—Re-number the sub-divisions (a) and (b) as (1) and (2). In sub-division (a) for 'times and places of meetings' substitute 'time and place of every meeting' and for the word 'date' substitute 'time' and for 'date' in line 5 substitute 'commencement'.

In sub-division (b) for 'date fixed for' substitute 'commencement of'; for 'session' substitute 'meeting' and omit 'legislative'; for 'brought forward at a' substitute 'transacted at that' for 'date of each session' at the end substitute 'commencement of that meeting'.

Standing Order No. 4. Sub-division (2).—Put a semicolon after 'lapse' and omit the words 'and a fresh notice shall be given for the next session'.

Sub-division (3).—Omit the words 'to the pending list of business'. After 'next Council' put a full stop and begin a fresh sentence with 'but' in place of 'and'.

Standing Order No. 5. Sub-division (1).—Omit the words 'while in session'.

Sub-division (2).—Omit the words 'since the last meeting'.

Standing Order No. 6—Sub-division (1).—For 'session' in lines 2 and 5 substitute 'meeting'. After the word 'Council' in line 4 add 'and may allot different days for the disposal of different classes of such business'.

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